

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN GIBBS,

Plaintiff,

v.

OTTAWA COUNTY BOARD OF
COMMISSIONERS, et al.,

Defendants.

Case No. 1:24-cv-357

HON. JANE M. BECKERING

ORDER

Defendants filed a Motion to Dismiss (ECF No. 7), arguing that Plaintiff has failed to allege sufficient facts to support one or more of the claims in the Complaint. If true, the claim or claims would be defective under the Supreme Court’s plausibility standard. *See Ashcroft v. Iqbal*, 556 U.S. 662 (2009), and *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). Without expressing any view as to the merits of the motion, the Court will afford Plaintiff the opportunity to cure the allegedly inadequate pleading by granting Plaintiff leave to file an amended complaint, as allowed by Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure. Any amended complaint must plead sufficient factual allegations that, if true, would “plausibly give rise to an entitlement to relief.” *Iqbal*, 556 U.S. at 680. If Plaintiff timely files an amended complaint, then the Court will deny the motion to dismiss as moot. If Plaintiff does not timely file an amended complaint, then Plaintiff must file a response to the motion to dismiss, and the Court will decide the motion.

Accordingly:

IT IS HEREBY ORDERED that Plaintiff must file either (a) an amended complaint within 21 days after service of the motion to dismiss, FED. R. CIV. P. 15(a)(1)(B); or (b) a response to the motion to dismiss within 28 days after service of the motion to dismiss, W.D. Mich. LCivR 7.2(c).

Dated: June 4, 2024

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge